

### Remarks

This amendment responds to the official action mailed April 2, 2010 and is timely due to an accompanying extension under 37 C.F.R. §1.136(a).

In the official action, objection was made to the disclosure and drawings for missing reference numbers or lack of drawing depictions of elements claimed. Applicant submits an amended specification and revised drawings. No new matter is presented. Appended to these remarks is an annotation showing the changes in the drawings. Sheets with the changes entered, each labelled "Replacement Sheet," are being filed concurrently.

Reference numerals 9 and 24 are added to the drawings in association with the parts with the description, namely the "additional rosette 9" at the operating organs 5, 6 (paragraph [0032]) and the "base 24" of the box 7 (paragraph [0041]).

Applicant proposed to insert a schematically illustrated shower handset as a labelled box in Fig. 2, on the water deliver path defined by the hose 12 consistent with paragraph [0032] (see page 5, lines 16-20). The handset is one of plural alternative discharges, another being the shower head(s) 8, for example. Additionally, the disclosure provides for other hoses for water delivery, including within the profile, such as a hose coupled with the hose clamp fittings shown in Fig. 7 and described at paragraph [0043] (see page 8, lines 4-10).

In the official action, objection was made to the illustrations with respect to claims 10, 11, 12 and 15. Applicant has amended the claims in an effort to obviate the objection. With respect to subject matter illustrated for claim 10, Figs. 4 and 8 show plural concealed fitting elements 22, 23 coupled to the fitting body 21, all of which are concealed. Regarding claim 11, a clamped-joint connection for hydraulic connection is shown in Fig. 7, where one of the two extensions 34, 35 is shown as a clamp-joint nipple and the other is similarly described but shown with a hose in place. For claim 12, a connection with a

house installation is shown in Fig. 8, although not via an illustrated clamp joint. Claim 15 as amended recites shower heads (not necessarily side shower heads) coupled to the water delivery, which is illustrated at least in Fig. 2.

In the official action, an objection was made to certain errors in reference numerals that appear to have been recognized as consistent with the disclosure. The noted corrections have been made.

An objection was made on grounds of lack of antecedent support in the specification for certain terms found in the claims. Reconsideration is requested in view of this amendment. Phrases that were said in the official action to lack support in the specification can be found verbatim in the summary part of the description. Therefore, there is no basis to say that the specification does not support these phrases. Nevertheless, applicant has complied with the examiner's position that such phrases should appear in the descriptive portion of the specification with reference to the drawings. Accordingly applicant has copied two passages that already in the specification, to the corresponding discussion of the drawings (para. [0007] for claim 2; para. [0013] for claim 8). Support for the discussion of a clamp joint coupling has been cited above for claim 11, and claim 12 had been amended to remove the recital of a clamp joint.

Claims 9 and 15 were considered unclear as to the relationship between the side shower head recited in these claims and the shower head recited in claim 1. The claims have been amended to obviate the objection. Claim 1 now recites a water delivery for a shower head. Claim 9 positively recites a side shower head coupled to such at least one water delivery. Claim 15 recites separate operation by the fittings of plural shower heads coupled to the at least one water delivery. The claims as amended are definite.

With the foregoing changes, all stated objections on grounds of formal matters have been addressed and corrected. No new matter is presented. Reconsideration and withdrawal of the objections are requested.

Several claims were rejected as anticipated or obvious from one or more of the prior art references cited. Reconsideration is requested in view of this amendment.

The invention concerns a profile that according to one aspect contains at least one water delivery for a shower head or discharge (e.g., side shower heads and/or a hand shower on a hose) controlled from the front side of the profile, by at least one concealed fitting enclosed by a concealed box. The profile is very flat, and preferably has only such thickness as necessary to accommodate water delivery paths located between the front and rear walls of the profile. A flat rear side of the profile rests against the wall while the fittings for controlling and delivering water to the discharges are partly arranged in the profile (for access in the front) and partly arranged in the wall where the fittings are coupled at the concealed box into the building water lines. The water delivery path(s) defined, for example by hoses from the fittings to the discharge heads, are not arranged in the wall but instead are in the profile. The claims recite the concealed fitting controlled from the front and extending through the rear wall and into the concealed box, and also recite the water delivery to the shower head(s).

The subject matter of claims 1, 3 and 6 has been combined in amended claim 1. Claim 1 as amended positively recites that the profile has a rear wall (see Figs. 3 and 4) with a cutout (see Fig. 4) that admits the concealed fitting that partly extends into the profile. This arrangement is not found in the prior art of record.

Claims 1, 2, 6 and 9 were rejected as anticipated by DE 9001977 – Hortrich. This rejection has been overcome at least by the amendment of claim 1 to include the subject matter of claim 3. Additionally, it can be seen, for example in Fig. 11 of Hortrich, that the fittings and piping in Hortrich are disposed in a recess in the wall. The recess extends along the extent of the covering part that is analogous to applicant's profile. The profile in Hortrich is thus a sheet metal cover over an installation of fittings and pipes in a wall recess. There is no disclosure to deploy a profile that is mounted against a wall,

has controls that are accessible from the front but extend from a concealed box extending beyond the rear wall of the profile into the wall, and operate water deliveries to one or more hand and side showers via conduits such as hoses that are arranged within the profile. Hortrich does not anticipate the invention claimed.

Claims 1-6 were rejected as anticipated by FR 2651814 – Tournier. It can be seen in Fig. 3 that Tournier also has a recess in the wall extending the full length of a cover that apparently was considered a profile as claimed. The connections are fittings are disposed in the recess in the wall. There is no disclosure of an arrangement wherein a profile with a front side and a back side enclosing a space where connections are made from a fitting in a concealed box, namely a fitting in the wall, through water delivery arrangements to shower heads on the profile. Applicant's fitting is partway in the wall and partway in the profile, extending through an opening in the rear wall and being controllable by a person facing the profile on the outside. Tournier does not have a profile with a rear wall. Tournier does not anticipate the claims as amended.

Claims 1-4, 6, 13, 14 were considered anticipated by WO 03/066975 – Malasorti. In the same manner as Hortrich and Tournier, Malasorti has a recess in the wall accommodating fittings and flow paths. The front part of the device is a cover plate, i.e., one thickness of sheet metal, as opposed to a profile having a rear wall with an opening as claimed. All of the elements in Malasorti, with the exception of the operating lever 4, are in the recess, i.e., in the wall. Although the operating handle is engaged at the front, there is no teaching or suggestion of a concealed box in the wall and a profile on the surface of the wall with a back wall, through which profile a fitting in the concealed box is activated, and within which profile the water delivery is effected to one or more shower heads on the outer wall of the profile or coupled on the outside of the profile via a hose.

Applicant's arrangement having a fitting in a concealed box is based on a bathroom wall that is intact but for the concealed box, yet allows connections to showers to be made (through and within the profile) that are potentially as

functional as couplings that according to the prior art require extensive construction of a recess in the bathroom wall for pipe carrying channels in the wall. Applicant provides fittings partway in the wall, namely in a concealed box, and partway in a profile through an opening in a rear side of the profile. Applicant's arrangement is not found in the art, and there is no reason to believe that a person of ordinary skill would have any expectation of a benefit to be achieved as claimed.

Claims 10-12 were rejected as obvious over Malasorti based on the proposition that the only difference over Malasorti is the provision of plural concealed fittings instead of one. Reconsideration is requested. Malasorti lacks other aspects that are positively defined in the claims as amended, including a profile on a concealed fitting in a concealed box as discussed above with respect to claims 1-4, 6, 13, 14. Claims 10-12 are allowable at least from their dependence on allowable claims.

Claim 5 was rejected over a combination of Malasorti and US 893,770 – Wilson. In the rejection, the examiner appears to agree that Malasorti does not disclose a profile and a concealed box. In applicant's claim 1, the concealed fitting in the box is defined as located in a section on the rear side of the profile, extending through a cutout in the rear wall, and is covered by the profile. The examiner goes on to say that Wilson supplies this distinction. However Wilson does not teach or suggest a profile overlying a concealed fitting in a box as claimed. Wilson has a coverplate. The Wilson coverplate, like the coverplate of Malasorti, is substantially the size of the recess that it covers. Also like Malasorti, the Wilson coverplate is a one thickness covering sheet and not a profile with a front and a rear wall, a hole in the rear wall being provided for the concealed fitting and permitting connections to be made through the profile, namely for water delivery to a showerhead between in the space defined by the profile (not the space defined in the rear box as in both Malasorti and Wilson. The references in combination do not meet the invention claimed as a whole. Applicant requests reconsideration and withdrawal of the rejection of claim 5.

Claims 7 and 8 were considered obvious from Malasorti in combination with AT 006137 – Neher Bad. According to the official action, Neher Bad's handshower if added to Malasorti would meet the claimed invention. Reconsideration is requested. Although one might add a handshower to Malasorti, there is no basis of record to consider that a fitting extending from a concealed box would reside behind a profile through which a fitting in the concealed box could be operated, the profile having a rear wall with an opening admitting the fitting and providing for water delivery to a shower head.

Neher Bad can be deemed to disclose a profile as opposed to a sheet metal coverplate over a wall recess. However the routine manner of arranging a profile is to provide water connections from the wall to fittings that are exclusively in the profile, which is what Neher Bad has done. There is no disclosure in the prior art that a profile arrangement can be configured such that fittings are mounted to the concealed box in the wall, yet are controlled from the front of the profile, and fittings and couplings from the fitting are led through an opening in the rear wall to deliver water to one or more shower heads. Even if one installed a handshower on Malasorti as claimed, applicant's invention would not be met or suggested. Claims 7 and 8 are allowable.

Claims 9 and 15 were rejected over a combination of Malasorti and DE 20211780 - Keramische Werke, which is cited for side showers. It appears from Figs. 2 and 3 that the Keramische Werke product likewise does not involve a profile that covers a concealed fitting in a concealed box as claimed and as discussed above. Even assuming that Keramische Werke has side shower spray emitters, there is no suggestion of applicant's claims as a whole. There is no basis to conclude that if one sought to combine Malasorti, having a coverplate on a recess of substantially equal area, with Keramische Werke, having a surface mounted profile box (note arched cover panel and flat back in Fig. 2), that the result might be anything other than complete mounting in the recess as in Malasorti or complete mounting in the profile device as in Keramische Werke. Neither of these alternatives meets applicant's claims.

Applicant's invention is neither a self contained fitting unit that is merely coupled to the water lines and rested on the wall surface, nor an installation of pipes in a wall recess with a coverplate. Applicant has a robust arrangement in that at the rear the fittings go into the concealed box. The fittings are controllable by the user at the front and are not merely covered over by a coverplate over a recess. From the fittings outward, the water delivery (or deliveries) comprises passages through the profile. Applicant's configuration has the robustness and durability from wall coupled fittings without a recess under the profile wherein pipes are mounted and extend within the wall. There is no disclosure of the invention claimed as a whole in the prior art, and there is no reason to believe that a person of ordinary skill might consider it possible, let alone beneficial, to mount a profile on the wall with showerheads or hoses for water delivery, but to outfit that profile with user operated fittings that are in the wall as claimed. These aspects are positively claimed and as a whole are novel and unobvious.

The formal matters raised in the official action have been corrected. The claims have been amended to more particularly and distinctly define the subject matter of the invention and to better distinguish over the prior art. The differences between the invention and the prior art are such that the subject matter claimed as a whole is not shown to have been known or obvious. Applicant requests reconsideration and allowance of the pending claims.

Respectfully submitted,

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Attorney Docket: D4700-00427  
[P 43854 WO/US]

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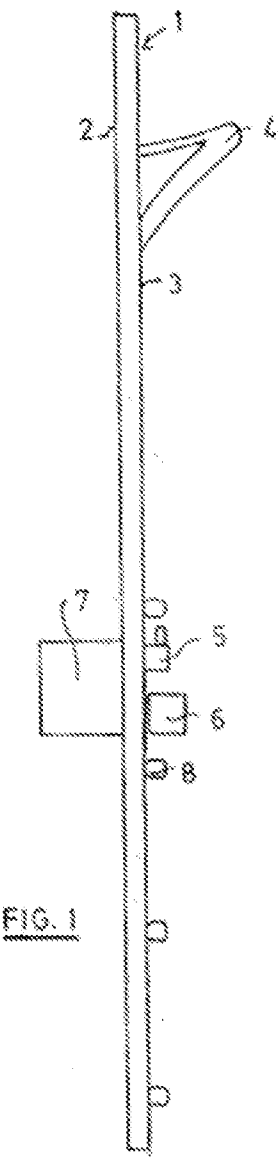


FIG. 1

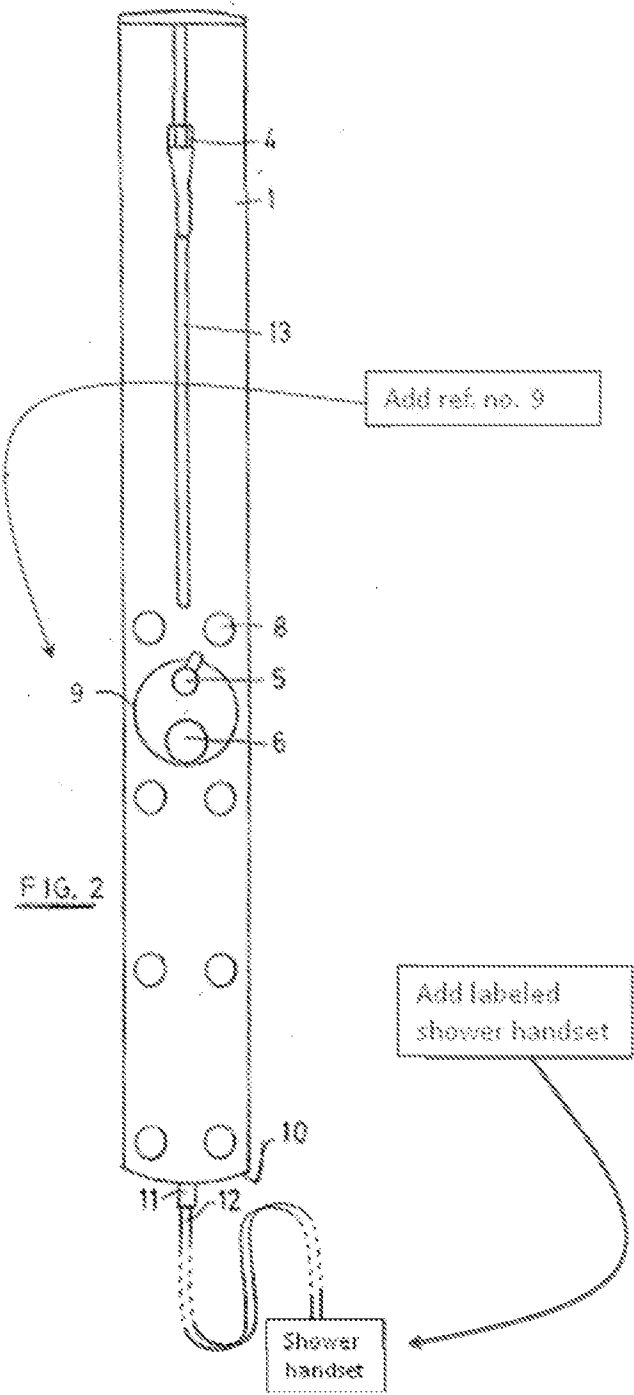
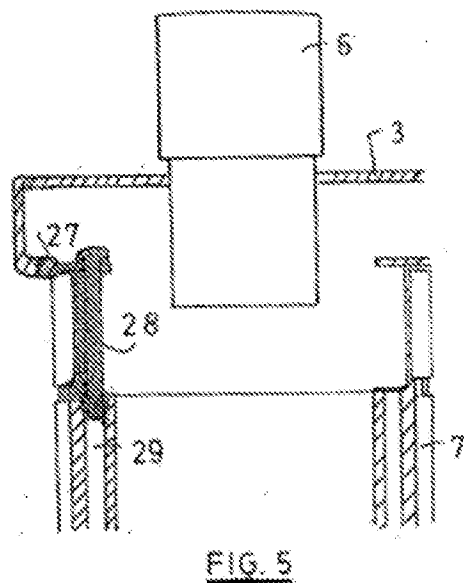
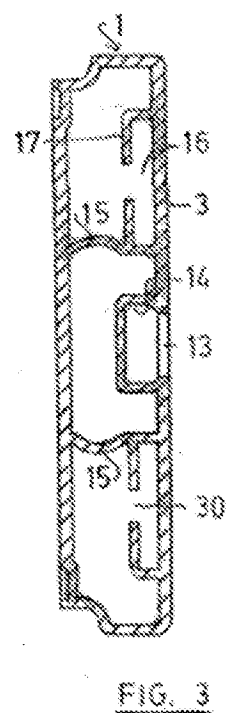
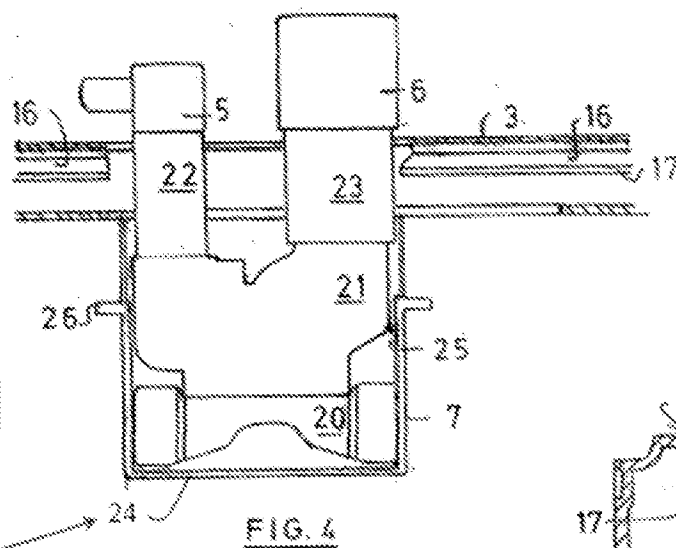


FIG. 2



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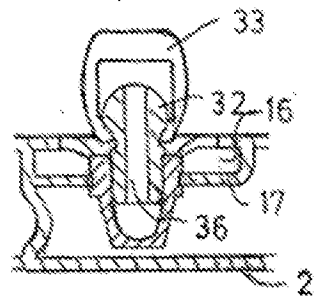


FIG. 6



FIG. 7

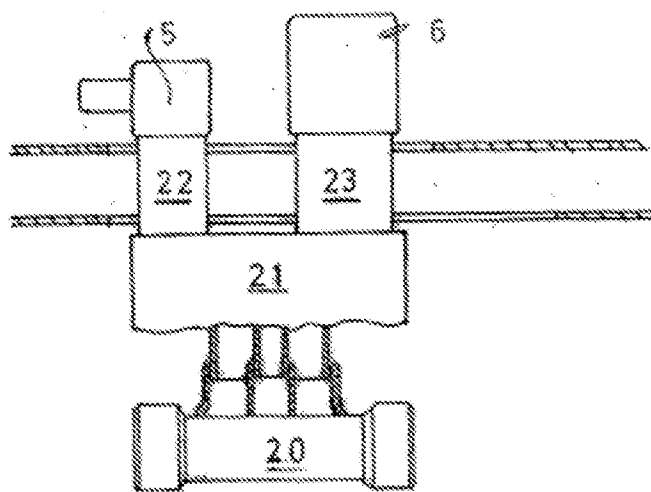


FIG. 8